

U.S. DEPARTMENT OF AGRICULTURE  
WASHINGTON, D.C. 20250

<b>DEPARTMENTAL REGULATION</b>		NUMBER: 1042-070
SUBJECT: National Advisory Council on Maternal, Infant and Fetal Nutrition	DATE:	
	OPI: Food and Nutrition Service (FNS)	

1 PURPOSE

Section 17 of the Child Nutrition Act of 1966, as amended 42 U.S.C. 1786, provides for a National Advisory Council on Maternal, Infant and Fetal Nutrition and authorizes the Secretary of Agriculture to appoint members thereto. The Council studies the operation of the Special Supplemental Nutrition Program for Women, Infants and Children (WIC) and related programs such as the Commodity Supplemental Food Program (CSFP).

2 SPECIAL INSTRUCTION/CANCELLATION

- a This Departmental regulation No. 1042-70 serves as the Council's Charter and supersedes Departmental Regulation No. 1042-70, dated January 14, 2008. This regulation will expire 2 years from the date of filing.

3 OFFICERS AND MEMBERSHIP

- a The Council is composed of 24 members of which 21 are authorized by the above referenced Act; 2 additional members are authorized by the Anti-Drug Abuse Act of 1988, P.L. 100-690; and 1 additional member is authorized by P.L. 101-147. The United States Office of Government Ethics on July 19, 2004, issued guidance which designated three positions on the Council as Special Government Employees (SGEs). This membership includes:

- (1) State WIC director
- (2) State CSFP director
- (3) State WIC fiscal officer (or the equivalent thereof)

- (4) State health officer (or the equivalent thereof)
- (5) Local WIC director in an urban area
- (6) Local WIC director in a rural area
- (7) Local CSFP director
- (8) State public health nutrition director (or the equivalent thereof)
- (9) Representative of an organization serving migrants
- (10) Official from a State agency serving predominately American Indians
- (11) WIC or CSFP parent participants (for a total of 3 participants)
- (12) Pediatrician
- (13) Obstetrician
- (14) Representative of a non-profit public interest organization that has experience with and knowledge of the WIC Program
- (15) Person involved at the retail sales level of food in the WIC Program
- (16) Officials from the U.S. Department of Health and Human Services (DHHS) (for a total of 2 officials)
- (17) Officials from the U.S. Department of Agriculture (USDA) (for a total of 2 officials)
- (18) Expert in drug abuse education and prevention (SGEs)
- (19) Expert in alcohol abuse education and prevention (SGEs)
- (20) Expert in breastfeeding promotion (SGEs)

- b The Welfare Reform legislation, enacted in August 1996, now requires the Council to elect its Chair and Vice-Chair. A staff member serves as the Executive Secretary of the Council. The Federal Advisory Committee Act of 1972 provides that each agency must appoint a Designated Federal Official to oversee the Council procedures.
- c Seventeen (17) members of the Council appointed from outside USDA and DHHS are appointed for 3-year terms. However, State and local officials may serve only during their official tenure. Parent participants are appointed for 2-year terms. Members appointed from USDA and DHHS serve at the pleasure of their respective Secretaries.
- d A vacancy on the Council does not affect its powers. Section 17(k)(3) of the Child Nutrition Act of 1966 states that 11 members shall constitute a quorum. In the absence of the Chairperson, the Vice-Chairperson or one of the USDA designated officials will act in her/his stead.

- e To assure a balance of differing views, the Council members are drawn from government, industry and organizations with a common interest in the management of the Supplemental Nutrition Programs. Equal opportunity practices, in line with USDA policies, will be followed in all appointments to the Council. To ensure that the recommendations of the Council have taken into account the needs of the diverse groups served by the Department, membership shall include, to the extent practicable, individuals with demonstrated ability to represent minorities, women, and persons with disabilities.

#### 4 DUTIES

The Council studies the operation of the WIC Program and related programs such as the CSFP and makes recommendations to the programs for how they may be improved as deemed appropriate.

#### 5 ESTIMATED ANNUAL OPERATING COSTS

- a Members of the Council serve without compensation but receive reimbursement for necessary travel and subsistence expenses incurred by them in the performance of the duties of the Council. In addition, parent participant members are compensated for child care expenses and wages lost during scheduled Council meetings.
- b Annual operating costs are estimated at \$50,000 with 1.0 staff years.

#### 6 NUMBER AND FREQUENCY OF MEETINGS

The Council meets at least once each year at the call of the Chairperson. All meetings will be open to the public.

#### 7 SUPPORT

FNS provides the Council with such technical and other assistance, including secretarial and clerical assistance, as may be required.